

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

BENJAMIN PLAZA, JR.,

Index No.: 700053/2009

Plaintiff,

JUDGMENT

-against-

MICHAEL HEILBRON,

Defendant.

A Notice of Motion, dated July 20, 2009, having been made by plaintiff, BENJAMIN PLAZA, JR., for an order granting him a default judgment over defendant, MICHAEL HEILBRON, pursuant to CPLR § 3215, and upon the reading and filing the Affirmation and exhibits in support thereof, and defendant having defaulted on said motion, and the Court having had due deliberation thereon,

AND, the Court having rendered a decision and order dated August 31, 2009, and entered on September 1, 2009, granting plaintiff, BENJAMIN PLAZA, JR.'s, motion for a default judgment and setting the matter down for an Inquest on Damages,

AND, the Court having conducted an Inquest on Damages on November 4, 2009,

AND, the Court having issued an oral decision regarding said Inquest on November 4, 2009,

NOW, ON MOTION of ROTHSTEIN LAW PLLC, attorneys for plaintiff, BENJAMIN PLAZA, JR., it is

ADJUDGED, that plaintiff, BENJAMIN PLAZA, JR., residing at 19-88 78<sup>th</sup> Street, East Elmhurst, New York, 11370, have judgment *and do recover of* against defendant, MICHAEL HEILBRON, residing at 30-18 88<sup>th</sup> Street, Flushing, New York 11369, ~~as~~ the principal

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amount of \$125,200.00 (one hundred twenty-five thousand two hundred dollars), plus  
costs in the amount of \$ 1,132.00 plus interest from August 31, 2009, in the  
**DOCKET** amount of \$ 2,407.96 for a total judgment of \$ 128,739.96 and  
that BENJAMIN PLAZA, JR. shall have execution thereon.

JUDGMENT ENTERED NOV 18 2009

Gloria D'Amico  
Clerk of the Supreme Court  
Queens County

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BY SW

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

BENJAMIN PLAZA, JR.,

Index No.: 700053/2009

- against -

Plaintiff,

MICHAEL HEILBRON,

**BILL OF COSTS and  
~~NOTICE OF TAXATION~~  
OF PLAINTIFF**

Defendant.

<b>COSTS:</b>		<b>DISBURSEMENTS:</b>	
Costs before note of issue.....	\$ 200.00 ✓	Fee for index number CPLR §8018(a).....	\$ 210.00 ✓
CPLR §8201 subd. 1.....		Referee's fees CPLR §8301(a)(1), 8003(a).....	
Costs after note of issue.....	200.00 ✓	Commissioner's compensation CPLR §8301(a)(2).....	
CPLR §8201 subd. 2.....		Clerk's fee, filing notice of pend. or attach. CPLR	
Trial of issue.....	300.00 ✓	8021(a)(10).....	
CPLR §8201 subd. 3.....		Entering and docketing judgment CPLR §8301(a)(7),	
Allowance by statute.....		8018(a)(2).....	
CPLR §8302(a), (b).....		Paid for searches CPLR §8301(a)(10).....	
Additional allowance.....		Affidavits & acknowledgments CPLR §8009.....	
CPLR §8302(d).....		Serving copy summons & complaint CPLR §8011(h)(1),	
Motion costs.....		8301(d).....	37.00 ✓
CPLR §8202.....		Request for Judicial Intervention <i>Filing</i> .....	95.00 ✓
Appeal to Appellate Term.....		Note of issue CPLR §8020(a).....	30.00 ✓
CPLR §8203(b).....		Paid referee's report CPLR §8301(a)(12).....	
Appeal to Appellate Division.....		Certified copies of papers CPLR §8301(a)(4).....	
CPLR §8203(a).....		Satisfaction piece CPLR §5020(a), 8021.....	
Appeal to Court of Appeals.....		Transcripts and filing CPLR §8021.....	
CPLR §8204.....		Certified copy of judgment CPLR §8021.....	
Costs upon frivolous claims		Postage CPLR §8301(a)(12).....	
and counterclaims.....		Jury fee CPLR §8020(c).....	
CPLR §8303-a.....		Stenographer's fees CPLR §8002, 8301.....	15.00 ✓
		Sheriff's fees on execution CPLR §8011, 8012.....	
		Sheriff's fees, attachment, arrest, etc. CPLR §8011.....	
		Paid printing cases CPLR §8301(a)(6).....	
		Clerk's fees Court of Appeals CPLR §8301(a)(12).....	
		Paid copies of papers CPLR §8018(a)(4).....	
		Motion expenses CPLR §8301(b).....	45.00 ✓
		Fees for publication CPLR §8301(a)(3).....	
		Serving subpoena CPLR §8011(h)(1), 8301(d).....	57.00
		Paid for Search CPLR §8301(a)(10).....	
		Filing Fees for Motions CPLR 8020(a).....	
		Appellate Printing CPLR § 8301(a) (6) & (12).....	
		Notice of Appeal.....	
		Referee's report.....	
		Attendance of witnesses CPLR §8001(a)(b)(c),	
		8301(a)(1).....	
Costs.....	\$ 700.00		
Disbursements.....	\$ 432.00		
TOTAL.....	\$ 1,132.00		

WITHIN COSTS TAXED WITHOUT NOTICE  
AT \$ 1,132.00

NOV 18 2009

Gloria D'Amico  
COUNTY CLERK, QUEENS COUNTY

\$ 432.00

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State of New York, County of New York ss.:

The undersigned, an attorney admitted to practice in the courts of this state, affirms:

I am ERIC E. ROTHSTEIN, a Member of ROTHSTEIN LAW PLLC, attorneys for the plaintiff in the above entitled action; that the foregoing disbursements have been or will necessarily be made or incurred in this action and are reasonable in amount and that each of the persons named as witnesses attended as such witness on the trial, hearing or examination before trial herein the number of days set opposite their names; that each of said persons resided the number of miles set opposite their names from the place of said trial, hearing or examination; and each of said persons, as such witness as aforesaid necessarily traveled the number of miles so set opposite their names in traveling to, and the same distance in return from, the same place of trial, hearing or examination; and that copies of documents are papers as charged herein were actually and necessarily obtained for use.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York  
November 12, 2009

  
ERIC E. ROTHSTEIN

1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF QUEENS : CIVIL TERM : PART 2

COPY

3 BENJAMIN PLAZA, JR.,

Index No. 700053/2009

4 Plaintiff,

Decision

5 -against-

6 MICHAEL HEILBRON,

7 Defendant.

8 -----X

9 Supreme Courthouse  
10 88-11 Sutphin Boulevard  
Jamaica, New York 11435  
11 November 4, 2009

12 B E F O R E:

HONORABLE ALLAN B. WEISS,

13 Justice

14 A P P E A R A N C E S:

15 FOR THE PLAINTIFF:

ROTHSTEIN LAW FIRM, PLLC

16 11 Park Place

New York, 10007 (212) 385-8015

17 BY: ERIC E. ROTHSTEIN, ESQ.

18  
19  
20  
21  
22 SUSAN NAPOLI, CSR, RMR, CRR  
23 Senior Court Reporter  
24  
25

Barasch McGarry

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Nov 12 2009 02:47pm P006/007

Decision

2

1 (The following constitutes the decision of the  
2 Court, as requested:)

3 THE COURT: Okay. The Court is going to award  
4 the plaintiff, for past pain and suffering, the sum of  
5 \$75,000.

6 Lorraine, got that?

7 THE COURT CLERK: No, I didn't hear you. I'm  
8 sorry.

9 THE COURT: Past pain and suffering, \$75,000.

10 THE COURT CLERK: Okay.

11 THE COURT: For future pain and suffering,  
12 \$50,000, making a total of \$125,000 for pain and  
13 suffering, together with \$200 for medical expenses, for  
14 a total award of \$125,200.

15 The above constitutes the decision of the  
16 Court. Enter judgment with a copy of the transcript.

17 (Pause in proceedings.)

18 THE COURT: Interest from August 31st, 2009.

19 THE COURT CLERK: To?

20 THE COURT: Forever, till he gets paid.

21 \*\*\*\*\*  
22 CERTIFIED THAT THE FOREGOING IS A TRUE AND ACCURATE  
23 TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES IN  
24 THIS CASE.  
25

*Susan Napoli*  
Susan Napoli, CSR, RMR, CRR  
Senior Court Reporter

sn

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Nov 12 2009 02:47pm P007/007

Index No.: 700053/09

**SUPRMEME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

BENJAMIN PLAZA, JR,

Plaintiff,

-against-

MICHAEL HEILBRON,

Defendant.

**JUDGMENT**

**ROTHSTEIN LAW PLLC**  
Attorneys for Plaintiff  
11 Park Place, Suite 1801  
New York, New York 10007  
212-385-8015

**DOCKET**

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**CERTIFICATION BY ATTORNEY:**

The undersigned, an attorney duly admitted to practice in the Courts of the State of New York, shows:

I certify that, to the best of my knowledge, information and belief formed after an inquiry reasonable under the circumstance, the presentation of the paper(s) listed above or contention(s) herein are not frivolous as defined in §130-1.1(c).



Eric E. Rothstein